

09-19-01

A



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 0925.009/11862US09

**DIVISIONAL APPLICATION TRANSMITTAL  
UNDER 37 CFR § 1.53(b) AND 1.78(a)**

*Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231*

Sir:

This is a request under 37 CFR § 1.53(b) AND 1.78(a) for filing a divisional application, entitled "Methods for Treating an IgE-Mediated Disease In A Patient Using Anti-CD40 Monoclonal Antibodies".

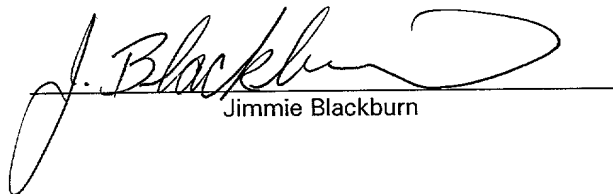
Enclosed is a copy of the originally filed parent application as identified below, including the specification, drawings and Oath or Declaration from said prior application and which will be assigned a new application number for identification purposes.

**1. Particulars of Prior Application:**

Application Serial No.: 09/504,505  
Batch No.: H84  
Date of Allowance: 06/18/01  
Filing Date: February 15, 2000  
Title: "Methods of Blocking B-Cell Activation  
Using Anti-CD40 Monoclonal Antibodies"  
Group Art Unit: 1644  
Examiner: P. Gambel  
Prior Docket No.: 0925.008/11862US08  
\*\*\*\*\*

**CERTIFICATION UNDER 37 CFR § 1.110**

I hereby certify that this Continuing Application Transmittal Under 37 CFR § 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on September 18, 2001, in an envelope addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 202331 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service Under Mailing Label No. EL 849006685US.

  
Jimmie Blackburn

**2. This request is filed by:**

<b>1.</b> Full Name of Inventor	Family Name  de Boer	First Given Name  Mark	Second Given Name
Residence & Citizenship	City  Beverwijk	State or Foreign Country  The Netherlands	Country of Citizenship  Dutch
Post Office Address	Post Office Address  De Bronnen 25	City  Beverwijk	State & Zip Code/Country 1945 NG The Netherlands
<b>2.</b> Full Name of Inventor	Family Name  Conroy	First Given Name  Leah	Second Given Name  B.
Residence & Citizenship	City  Pacifica	State or Foreign Country  California	Country of Citizenship  USA
Post Office Address	Post Office Address  515 Beaumont Boulevard	City  Pacifica	State & Zip Code/Country  California

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

**3. Amendments and Additional Papers Enclosed**

- ☒ Cancel claims 1-5, 7 and 12-28 in the prior application and add dependent claims 29 and 30 before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence.
- ☒ Statement Under 37 CFR § 1.821.

- ☒ Statement Under 37 CFR § 1.821(e).
- ☐ Please enter the Amendment Under 37 CFR 1.116 previously filed in the prior nonprovisional application on \_\_\_\_\_, but unentered.
- ☐ The filing fee is based upon entry of the foregoing amendment(s) (if any).

**4. Priority**

- ☐ Priority of application is claimed under 35 USC 120 from the following applications:  
(1) Divisional of USSN 09/504,505, filed 02/15/00, now allowed which is a (2) continuation of USSN 08/463,893, filed 06/05/95, now U.S. Pat. 6,056,959, which is a (3) divisional of USSN 08/070,158, filed 05/28/93, now U.S. Pat. 5,677,165, which is a (4) continuation-in-part of USSN 07/910,222, filed 07/09/92, now U.S. Pat. 5,397,703.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

**5. Assignment**

- ☒ The prior application is assigned of record to "Chiron Corporation," 4560 Horton Street, Intellectual Property R-440, Emeryville, California 94608 and has been recorded at Reel No. 7329, Frame No. 194 and Reel 8209, Frame No. 0087.

**6. Small Entity Status**

- ☐ Verified statement(s) claiming small entity status is(are) attached.
- ☐ Small entity status has been established in the prior nonprovisional application and such status is still proper and desired.

**7. Power of Attorney**

- ☒ A copy of the originally filed Declaration and Power of Attorney or authorization of agent is enclosed.

**8. Information Disclosure Statement**

- ☐ PTO-1449 is enclosed.
- ☐ Copies of Information Disclosure Statement citations are enclosed.

9. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$		\$ 710.00
TOTAL	7-20	= 0	X 9 =	\$	X 18 =	\$0
INDEP.	3	= 0	X 40 =	\$	X 80 =	\$0
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	\$ 710.00
Filing Fee:				\$	<b>OR</b>	\$ 710.00

10. Method of Payment of Fees

- ☐ Attached is a check in the amount of: \$ 710.00  
(Filing Fee)
- ☐ Attached is a check in the amount of: \$
- ☒ Charge Deposit Account No. 13-0017 in the amount of: \$  
A duplicate copy of this Transmittal is enclosed.

11. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-0017.  
**A duplicate copy of this Transmittal is enclosed.**

Please refund any overpayment to McAndrews, Held & Malloy, Ltd. at the address below.

12. Please direct all future communications to:

**LISA E. ALEXANDER, ESQ.  
CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
P.O. BOX 8097  
EMERYVILLE, CALIFORNIA 94662-8097**

Respectfully submitted,

**McANDREWS, HELD & MALLOY, LTD.**

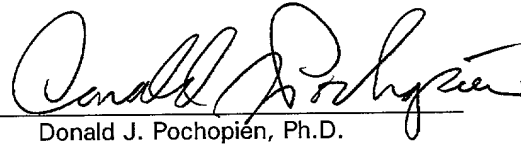
500 West Madison Street

34<sup>th</sup> Floor

Chicago, Illinois 60661

(312) 775-8133

By: \_\_\_\_\_



Donald J. Pochopien, Ph.D.

Registration No. 32,167

Date: September 18, 2001

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In the Application of:  
deBoer, *et al.*

U.S. Serial No.:

Filed: September 18, 2001

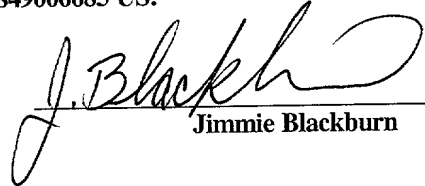
For: "Method for Treating An IgE-Mediated Disease In A Patient Using Anti-CD40 Monoclonal Antibodies"  
(As Amended)

Group Art Unit:

Examiner:

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this paper (and/or fee) under 37 CFR § 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on September 18, 2001, in an envelope addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 202331 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service Under Mailing Label No. EL 849006685 US.

  
Jimmie Blackburn

STATEMENT UNDER 37 C.F.R. §1.821(e)

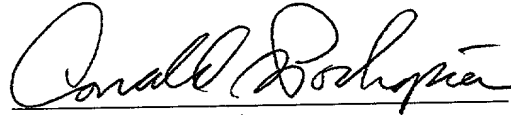
Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with 37 CFR § 1.821(e), and in lieu of filing a new computer readable copy of the SEQUENCE LISTING, the undersigned attorney hereby requests that the Patent Office use the computer readable copy of the SEQUENCE LISTING as filed in the parent application, U.S. Serial No. 08/463,893 under § 1.821(e) and as originally filed in grandparent application U.S. Serial No. 08/070,158. The undersigned attorney hereby states that the paper copy of the SEQUENCE LISTING as filed in the present application does not add new matter and is identical to the computer readable copy of the SEQUENCE LISTING as filed in parent and grandparent application U.S. Serial Nos. 08/463,893 and 08/070,158.

Respectfully submitted,  
McANDREWS, HELD & MALLOY, LTD.

By:



Donald J. Pochopien  
Registration No. 32,167  
Attorney for Applicant  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, Illinois 60661  
(312) 775-8133

Dated: September 18, 2001

J:\open\djp\chiron\uspto\0925009 Statement Under 1.825(e).doc

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In the Application of:  
deBoer, *et al.*

U.S. Serial No.:

Filed: September 18, 2001

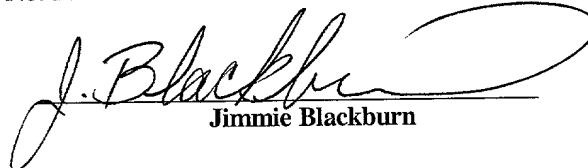
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(As Amended)

Group Art Unit:

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Jimmie Blackburn

COMBINED STATEMENT UNDER 37 C.F.R. §1.821

Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with the requirements 37 C.F.R. § 1.821, the undersigned attorney hereby states that the paper copy of the SEQUENCE LISTING, as attached hereto, is the same as the computer readable copy of the SEQUENCE LISTING as filed in parent application USSN 08/463,893 and in grandparent application USSN 08/070,158, a copy of which is requested to be transferred to the present file under 37 C.F.R. § 1.821(e).

In accordance with the requirements of 37 C.F.R. § 1.821, the undersigned attorney hereby states that the paper copy of the SEQUENCE LISTING, as attached hereto, does not add new matter and is fully supported by disclosure in the specification as co-filed in the present application, and in the identical specifications filed in parent application USSN 08/463,893 and in the



[illegible]

By:

(312) 775-8133

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